IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUMMARY SUIT NO.401 OF 1996

Citibank N.A. ...Plaintiff
vs.
Meenakshi Gupta ...Defendant

Ms Kavita Anchan i/b M/s.M.V.Kini & Co.for the Plaintiff

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 17,2007

ORAL JUDGMENT:

1. The learned counsel appearing for the plaintiff has tendered on record an affidavit of service. Affidavit of service is marked ‘X’ for identification.

2. Perusal of the record of the suit shows that the defendant has not entered appearance within the time stipulated by law.

3. Hence, in view of sub rule 3 of rule 2 of Order XXXVII of the Code of Civil Procedure,1908, the contents of the plaint are deemed to have been admitted by the defendant. Hence, the plaintiff will be entitled to a decree as prayed. Accordingly, the suit is decreed in terms of prayer clauses (a) and (b).

4. The Plaintiff will be entitled to refund of court fee, if any, as per the rules.

5. Certified copy is expedited.

JUDGE